

Notice of Allowability

Application No.

09/627,170

Examiner

Joshua Kading

Applicant(s)

TONG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8-2-04.
2. ☒ The allowed claim(s) is/are 5-12; renumbered 3-8, 1, and 2 respectively.
3. ☒ The drawings filed on 7-27-00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1-1-05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KENNETH VANDERPUYE
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

5 submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randi Karpinia on December 30, 2004.

The application has been amended as follows:

10 Claim 1 cancelled. New claim 11 added in place of claim 1:

11. (New) A wireless device for transmitting packets of a message during an assigned time slot of cycles of a time-division protocol, comprising:

a housing, the housing having a first position and a second position;

a controller within the housing, the controller adapted to associate a first transmit
15 duty cycle with the first position and a second transmit duty cycle with the second position, wherein the first transmit duty cycle comprises message packet transmission in the assigned time slot of adjacent cycles of the protocol, and wherein the second transmit duty cycle comprises message packet transmission in the assigned time slot of at least every 2nd cycle of the protocol; and

20 a transmitter coupled to the controller, the controller adapted to cause the transmitter to operate at the first transmit duty cycle when the housing is in the first

position and to operate at the second transmit duty cycle when the housing is in the second position.

Claim 2 cancelled. New claim 12 added in place of claim 2:

5 12. (New) A device for transmitting packets of a message during an assigned time slot of cycles of a time-division protocol, comprising:

 a housing, the housing having at least two portions, the at least two portions being movable to each other into a first position and a second position;

 a controller within the housing, the controller adapted to associate a first transmit
10 duty cycle with the first position and a second transmit duty cycle with the second position, wherein the first transmit duty cycle comprises message packet transmission in the assigned time slot of adjacent cycles of the protocol, and wherein the second transmit duty cycle comprises message packet transmission in the assigned time slot of at least every 2nd cycle of the protocol; and

15 a transmitter coupled to the controller, the controller adapted to cause the transmitter to operate at the first transmit duty cycle when the at least two portions of housing are in the first position and to operate at the second transmit duty cycle when the at least two portions of housing are in the second position.

20 Claim 3 is cancelled.

 Claim 4 is cancelled.

Claim 5, line 1 is changed from "The device of claim 4..." to --The device of claim
12...--

Claim 6, line 1 is changed from "The device of claim 5..." to --The device of claim
12...--

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Claim 8, at line 10 "the housing" should be changed to --the housing,-- and after
line 10 --wherein the first transmit duty cycle comprises message packet transmission in
the assigned time slot of adjacent cycles of the protocol, and wherein the second
transmit duty cycle comprises message packet transmission in the assigned time slot of
10 at least every 2nd cycle of the protocol;-- should be inserted.

Claim 10, at line 6 "at a second position" should be changed to --at a second
position,-- and after line 6 --wherein the first transmit duty cycle comprises message
packet transmission in the assigned time slot of adjacent cycles of the protocol, and
15 wherein the second transmit duty cycle comprises message packet transmission in the
assigned time slot of at least every 2nd cycle of the protocol;-- should be inserted.

The following is an examiner's statement of reasons for allowance: Claims 5-12
are allowable because the prior art of record fails to teach, in combination with all other
20 claim limitations, "...associate a first transmit duty cycle with the first position and a
second transmit duty cycle with the second position," "a transmitter coupled to the
controller, the controller adapted to cause the transmitter to operate at the first transmit

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duty cycle when the at least two portions of housing are in the first position and to operate at the second transmit duty cycle when the at least two portions of housing are in the second position,” and “wherein the first transmit duty cycle comprises message packet transmission in the assigned time slot of adjacent cycles of the protocol, and
5 wherein the second transmit duty cycle comprises message packet transmission in the assigned time slot of at least every 2nd cycle of the protocol.”

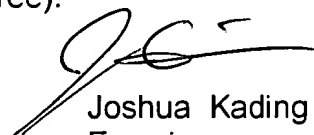
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on
10 Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s
15 supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

10 January 3, 2005



KENNETH VANDERPUYE
PRIMARY EXAMINER